

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

TAYLOR ANTHONY BEESON,

Plaintiffs,

vs.

TARA J. ELLIOTT, et al.,

Defendants.

Cause no. CV 21-143-M-BMM-KLD

**ORDER ADOPTING  
MAGISTRATE JUDGE'S  
FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendations in this case on July 7, 2022. (Doc. 18.) Judge DeSoto recommended that Plaintiff's amended complaint (Doc. 16) should be DISMISSED for failure to state a claim on which relief may be granted; that the clerk should be directed to enter, by separate document, a judgement of dismissal; and that the District Court should CERTIFY, pursuant to Federal Rule of Appellate Procedure 24(a)(4)(B), that any appeal from its disposition would not be taken in good faith.

Plaintiff Taylor Beeson moved to proceed in forma pauperis with this action on July 5, 2022. All of Beeson's claims concern the Defendants' conduct in connection with Beeson's criminal case and the revocation proceedings (Doc. 16 at 4 ¶ 2, 6-10 ¶¶ 5-7.) Judge DeSoto found that several of Beeson's allegations are subject to dismissal based on judicial or prosecutorial immunity or possibly qualified immunity. (Doc. 18 at 4.) Judge DeSoto ultimately found that Beeson cannot proceed with a civil lawsuit unless and until the criminal and/or revocation judgements are invalidated through a proper appeal or collateral attack. (*Id.* at 5.)

Plaintiff has not filed an objection to the Findings and Recommendations. The Court has reviewed Judge DeSoto's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). This Court finds no error in Magistrate Judge DeSoto's Findings and Recommendations and adopts them in full.

**IT IS ORDERED** that Judge DeSoto's Findings and Recommendations (Doc. 18) are **ADOPTED IN FULL**.

1. Beeson's Amended Complaint (Doc. 16) is **DISMISSED** without prejudice.
2. The Clerk of Court is directed to enter, by separate document, a judgement of dismissal.

3. The District Court should **CERTIFY** that any appeal from its disposition would not be taken in good faith.

DATED this 22nd day of August, 2022.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

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Brian Morris, Chief District Judge  
United States District Court